

Court Procedures for Setting Aside Arrest Records and/or a Conviction

The Oregon Statute [law] concerning this process is ORS 137.225. You may have heard the word "expungement" used in describing this process. ORS 137.225 does not use the term expungement. Instead it talks about "setting aside." For your purposes, the two expressions are nearly the same, so do not be confused by them.

During this process, you will be asked to provide some specific information about yourself and the incident in question. This information is needed to confirm your identity and the possible location of records so that, if your request is granted, those records can be sealed. At that point, in the eyes of the law, the arrest and/or conviction did not occur and the records do not exist. How successful the Court's Order is at sealing your records will depend upon the accuracy and completeness of the information you provide.

ORS 137.225 discusses three different situations. The process for dealing with each situation is similar but different. The rest of this handout is divided into three sections so that you only get the information you need for your situation. To save time, money and frustration, read carefully the section concerning your situation. Before you begin, you may wish to review the statute at www.leg.state.or.us/ors/137.html. The Oregon Revised Statutes does not allow the court to set aside **traffic offenses**. Also, the crime you were arrested for and/or convicted of must have been within the jurisdiction of either the Benton County Circuit or District Courts.

Note: Beginning 1/1/10 The ORS 137.225 statute will change regarding traffic offenses to allow individuals who were arrested for, but not convicted of, a state or municipal traffic offense to move the court to set aside the record of arrest. However, an arrest for Driving Under the Influence of Intoxicants [DUII] may **not** be set aside in cases where the charges were dismissed pursuant to a person's successful completion of a diversion program.

- You were arrested, but no charge[s] was ever filed with the Court or you may have been told that the charge was a "No Action." If you are not sure, the Court Records Department can advise you if there was a case filed.

Read and file Section "A"

- You were arrested and a charge[s] was filed in Court against you: The charge[s] was later dismissed, [dismissed after completion of a DUII Diversion does not qualify] or you were acquitted [found not guilty]. You were not convicted of any charge[s] resulting from the arrest.

Read and file Section "B"

- You were arrested and convicted of a crime.

Read and file Section "C"